

Application No.: 10/598,536
Filing Date: September 1, 2006

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Election/Restrictions

Applicant has withdrawn Claims 33 and 34. The claims recite a method of injecting a chemical liquid into a patient, and all of the recited elements in Claim 1 are clearly limiting on the method. Thus, the claims are believed to be eligible for rejoinder upon allowance of "elected claim."

Accordingly, upon allowance of the elected claims, Applicant respectfully requests rejoinder of withdrawn Claims 33 and 34.

Discussion of the Claim Rejections Under 35 U.S.C. § 103

Claims 1-9, 12-14 and 16 have been rejected under 35 U.S.C. § 103 as being unpatentable over Tachibana (U.S. Publication No. 2005/0029277) in view of Tanaka (US Publication No. 2005/0049556). Applicant respectfully submits that the claims are allowable over the cited references, as discussed below.

Disqualification as a prior art

The present application is the U.S. National Phase under 35 U.S.C. § 371 of International Application No. PCT/JP2005/003498, filed March 2, 2005, which claims priority under 35 U.S.C. § 119 to Japanese Patent Application No. 2004-059034, filed March 3, 2004, which priority is made of record. Applicant herewith submits a verified translation of the above Japanese Patent Application. As can be understood from the verified translation, the subject matter of the currently pending claims is fully disclosed, and the present application is entitled to the earlier priority date of **March 3, 2004**.

The earliest publication date of Tanaka is **March 24, 2005** which is later than the priority date of the present application (March 3, 2004). Thus, Tanaka is disqualified as prior art under 35 U.S.C. § 102(a).

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Further, the present application is the U.S. National Phase under 35 U.S.C. § 371 of International Application No. PCT/JP2005/003498, filed **March 2, 2005**, which is earlier than the earliest publication date of Tanaka (March 24, 2005). Thus, Tanaka is disqualified as prior art under 35 U.S.C. § 102(b).

Additionally, as Tanaka is an International Application filed on or after November 29, 2000 and which was not published in English under PCT Article 21(2), the reference may not be applied under 35 U.S.C. § 102(e). (MPEP 706.02(f)(1))

In view of the foregoing, Tanaka is disqualified as prior art.

Discussion of Patentability of Independent Claim 1

As the Examiner acknowledged, Tachibana fails to teach all the claim limitations. In particular, Tachibana fails to teach the claimed RFID includes the value of pressure resistance of the liquid in the syringe, the inner diameter of the syringe, or that the operation control means is configured to control the liquid injection mechanism such that the detected pressure does not exceed the value of pressure resistance. Tachibana further does not disclose that the detector obtains the pressure by detecting a stress on the piston member and using the inner diameter of the syringe on the RFID to calculate the injection pressure.

As the cited reference fails to teach or suggest all the claim limitations, no *prima facie* case of obviousness has been established with respect to Claim 1. Applicants respectfully request withdrawal of the rejection.

Discussion of Patentability of Dependent Claims

The rest of the rejected claims depend from base Claim 1, and further define additional technical features of the present invention. In view of the patentability of their base claim, and in further view of the additional technical features, Applicants respectfully submit that the dependent claims are patentable over the prior art.

Discussion of the Claim Rejections Under 35 U.S.C. § 103

Claims 15 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over Tachibana (U.S. Publication No. 2005/0,029,277) in view of Tanaka (US Publication No.

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2005/0049556) and further in view of Wilson et al. (U.S. Patent No. 5, 573,515). Applicant respectfully submits that Claims 15 and 17 are allowable over the cited references, as discussed below.

Claims 15 and 17 depend eventually from Claim 1 and Wilson does not cure the noted deficiency in Tachibana. In view of the patentability of Claim 1, and in further view of the additional technical features, Applicants respectfully submit that Claim 15 and 17 are patentable over the prior art.

Discussion of the Claim Rejections Under 35 U.S.C. § 103

Claims 18-31 have been rejected under 35 U.S.C. § 103 as being unpatentable over Tachibana (U.S. Publication No. 2005/0,029,277) in view of Tanaka (US Publication No. 2005/0049556) and further in view of Hickie et al. (U.S. Publication No. 2003/0074223). Applicant respectfully submits that Claims 18-31 are allowable over the cited references., as discussed below.

Discussion of Patentability of Independent Claim 18

Claim 18 recites all of the features discussed at Patentability of Independent Claim 1, and Hickie does not cure the noted deficiency in Tachibana. In view of the patentability of Claims 1, Applicants respectfully submit Claim 18 is patentable over the prior art.

Discussion of Patentability of Dependent Claims

The rest of the rejected claims depend from base Claim 18, and further define additional technical features of the present invention. In view of the patentability of Claim 18, and in further view of the additional technical features, Applicants respectfully submit that the dependent claims are patentable over the prior art.

CONCLUSION

In the light of the applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the

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application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
KITO40.001APC	11/911,139	CHEMICAL LIQUID INJECTION SYSTEM	October 10, 2007


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 22, 2010

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